

10/748,991

1589/SYMBP187US

REMARKS

Claims 1-29 are currently pending in the subject application and are presently under consideration. Claims 1, 6, 15 and 23 have been amended. Claims 4, 5 and 20 have been canceled. A clean version of all pending claims is found at pages 2-6.

Applicant's representative thanks the Examiner for the courtesies extended during the teleconference of November 16, 2005 wherein the substance of the interview is as follows: Examiner Le agreed that the amendments of claims 1, 15 and 23 overcome the 35 U.S.C. §103(a) rejection (against the secondary reference Charlier *et al.*). And if no new art was found in a supplemental search, she would enter the amendments and allow the case. The amendments incorporate dependent claims 4 and 5 into the independent claims and recite additional limitations as well. Upon receiving this formal Reply, further search and consideration will be made by the Examiner.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-3, 7-12, 15-16, 19, 21-26 and 29 Under 35 U.S.C. §103(a)

Claims 1-3, 7-12, 15-16, 19, 21-26 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kfoury *et al.* (US 2003/0044000) in view of Kumar (US 5,386,106). Reversal of this rejection is requested for at least the following reasons. Kfoury *et al.* and Kumar, individually or in combination, do not teach or suggest each and every element set forth in the subject claims.

To reject claims in an application under §103, an examiner must show an un rebutted *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The Federal Circuit has also held that the level of

10/748,991

1589/SYMBP187US

skill in the art cannot be relied upon to provide the suggestion to combine references. *See Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed Cir. 1999).

Applicant's claimed invention relates to systems and methods for facilitating orientation of a display upon a machine data reader, such as a barcode scanner, based at least in part upon a user-defined orientation of a moveable keypad. Independent claims 1, 15 and 23 recite similar elements, namely: *a keypad that is moveable with respect to a body of the machine data reader, the keypad utilized to relay information to the machine data reader; a component that senses a position of the keypad; and a component that orients the display based at least in part upon the sensed position of the keypad; and a customization component that customizing size of text and imagery of the display as a function of the sensed keypad position.* In particular, the claimed invention enables a keypad and display to be oriented desirably to a user when attempting to enter data into the machine data reader. The machine data reader is typically a wearable barcode scanner that can be attached to either arm of a user. Kfoury *et al.* and Kumar, individually or in combination, fail to teach or suggest such aspects of the claimed invention.

Kfoury *et al.* relates to an electronic device having a rotatable keypad and display. The housing of the electronic device has a physically rotatable keypad and an electronically rotatable display image. A sensor provides a sensor signal representative of the orientation of the keypad relative to the housing of the electronic device. The keypad has a plurality of keys in a key housing and a plurality of key sensors that sense activation of the keys. The keypad has at least first and second and possibly third orientations (See Page 1, Paragraphs 0015-0017).

Kumar does not make up for the aforementioned deficiencies of Kfoury *et al.* with respect to independent claims 1, 15 and 23 (which claims 2-3, 7-12, 16, 19, 21-22, 24-26 and 29 depend therefrom). Kumar *et al.* relates to a handheld, portable device for processing point of sale transactions. The portable device includes a housing for carrying the components; a reader for reading the credit card information; a scanner for scanning product identification information; and a printer for printing a customer receipt (See Col. 2, lines 38-64). At Page 5 of the Office Action (dated 10-25-05), the Examiner admits that Kfoury *et al.* and Kumar fail to teach a customization component that facilitates user-customization of a display rendering and customizes size of text and imagery of the display, as disclosed in the subject claims. As such, claims 1, 15 and 23 have been amended to incorporate this limitation.

10/748,991

1589/SYMBP187US

In view of the aforementioned deficiencies of Kfoury *et al.* and Kumar, it is respectfully submitted that this rejection be withdrawn with respect to independent claims 1, 15 and 23 (which claims 2-3, 7-12, 16, 19, 21-22, 24-26 and 29 depend there from).

II. Rejection of Claims 4-5 and 20 Under 35 U.S.C. §103(a)

Claims 4-5 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kfoury *et al.*, in view of Kumar and further in view of Charlier *et al.* (US 2003/0064751). Claims 4-5 and 20 have been canceled and merged into independent claims 1 and 15 respectively.

Charlier *et al.* does not make up for the aforementioned deficiencies of Kfoury *et al.* and Kumar with respect to independent claims 1 and 15. Charlier *et al.* is directed to incorporating a user interface into a holster for a portable handheld electronic device. The user interface may be a touch pad or keypad. The touch pad or keypad can rotate 90 degrees and be displayed either as a landscape or portrait view, accommodating the needs of the user. (See page 2, paragraphs [0025]-[0027]). Whereas, the present invention discloses customizing the resolution, font size, images and orientation of the display, not just rotating the user interface 90 degrees. (See page 9, lines 20-31). Thus, Kfoury *et al.*, Kumar and Charlier *et al.* do not disclose *facilitating user-customization of a display rendering by customizing the size of text and imagery of the display*. Therefore, it is respectfully submitted that this rejection be withdrawn.

III. Rejection of Claims 6, 13-14, 17-18 and 27-28 Under 35 U.S.C. §103(a)

Claims 6, 13-14, 17-18 and 27-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kfoury *et al.*, in view of Kumar and further in view of Knox (US 6,004,049). It is respectfully submitted that this rejection should be withdrawn for the following reasons. Kfoury *et al.*, Kumar and Knox, individually or in combination, do not teach or suggest each and every element set forth in the subject claims. In particular, Knox does not make up for the aforementioned deficiencies of Kfoury *et al.* and Kumar with respect to independent claims 1, 15 and 23 (which claims 6, 13-14, 17-18 and 27-28 depend there from). Thus, the subject invention as recited in claims 6, 13-14, 17-18 and 27-28 is not obvious over the combination of Kfoury *et al.*, Kumar and Knox. Therefore, it is respectfully submitted that this rejection be withdrawn.

10/748,991

1589/SYMBP187US

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP187US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731